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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,667	12/21/2001	John K. Gallant	RIC01016	3681

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EXAMINER	
NGUYEN, DUC MINH	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,667	GALLANT ET AL.	
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-64,66-68 and 75-80* is/are pending in the application.

4a) Of the above claim(s) *18-26 and 52-60* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,27-51,61-64,66-68 and 75-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 18-26 and 52-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/2/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4-5, 9-10, 18-26, 61, 75-76, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Riggins (6,766,454).

Consider claims 1, 5, 18-26, 61, 75-76, 80. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is nor authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach

challenge a device that originated the call by requesting the device to authenticate itself, wherein the device generates an authentication result as a result of authenticating itself.

Riggins teaches challenge a device that originated the call by requesting the device to authenticate itself, wherein the device performs a first authentication process on a user and a password associated with the device to generate a first authentication result as a result of authenticating itself (see the entire abstract; a hash of the user's password, column(s) 10, line(s) 62 through column(s) 11, line(s) 13); authenticating the call request message by performing a second authentication process based on the username and password associated with the device to generate a second authentication result and comparing the second authentication result to the first authentication result (i.e., the global server uses the user's password, hash of the user's password or user's public keys to verify the identity of the user, column(s) 10, line(s) 62 through column(s) 11, line(s) 13) for the purpose of securing access to services in a computer network (column(s) 1, line(s) 25-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Riggins into the teachings of D'Amico for the purpose mentioned above.

Consider claim 4. Riggins further teaches the step of authenticating includes performing a calculation using a hash algorithm (column(s) 10, line(s) 62 through column(s) 11, line(s) 13).

Consider claims 9-10. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

4. Claims 2-3, 6-8, 11-14, 27-29, 31-32, 34-37, 62-63, 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Riggins (6,766,454) and further in view of Faccinn et al (US2002/0127995).

Consider claims 2-3, 11, 27-29, 31-32, 36-37, 62-63, and 77-78. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is nor authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach challenge a device that originated the call by requesting the device to authenticate itself, wherein the device generates an authentication result as a result of authenticating itself.

Riggins teaches challenge a device that originated the call by requesting the device to authenticate itself, wherein the device performs a first authentication process on a user and a password associated with the device to generate a first authentication result as a result of authenticating itself (see the entire abstract; a hash of the user's password, column(s) 10, line(s) 62 through column(s) 11, line(s) 13); authenticating the call request message by performing a second authentication process based on the username and password associated with the device to generate a second authentication result and comparing the second authentication result to the first authentication result (i.e., the global server uses the user's password, hash of the user's password

or user's public keys to verify the identity of the user, column(s) 10, line(s) 62 through column(s) 11, line(s) 13) for the purpose of securing access to services in a computer network (column(s) 1, line(s) 25-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Riggins into the teachings of D'Amico for the purpose mentioned above.

D'Amico in view of Riggins does not teach inserting the client billing tag into the call request message; and transmitting the call request message to the gateway.

Faccinn teaches inserting the client billing tag into the call request message; and transmitting the call request message to the gateway (the use of call ID for charging coordination; paragraph(s) 0023-0026, 0064, 0096, and 0097).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Faccinn into the teachings of D'Amico in view of Riggins for the purpose of billing IP based telephone call.

Consider claims 6-8, 12-14, and 34-35. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

5. Claims 15-17, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Riggins (6,766,454) as applied to claims 1, 61 above, and further in view of Innes (6,687,743) or Hesselink et al (6,499,054) or Eastman (6,907,032).

Consider claims 15-17, 64. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is nor authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Innes teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (caller id from the server; column(s) 2, line(s) 5-16, line(s) 60 through column(s) 3, line(s) 4; column(s) 9, line(s) 36-56, see also claims 4, 14 and 20); and transmitting the call request message to a client equipment, the client equipment being configured to complete the call (return call) if the header is detected and inherently not complete the call if the header is not detected for the purpose of establishing a server initiated high level protocol communications session between a server and a client on a mobile computing device.

Hesselink teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (see figure(s). 2, source ID; column(s) 5, line(s) 4-46).

Eastman teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (originating_server_ID; column(s) 10, line(s) 8 through column(s) 13, line(s) 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Innes or Hesselink or Eastman into the teachings of D'Amico in view of Riggins for the purpose mentioned above.

6. Claims 30, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Riggins (6,766,454) and Faccinn et al (US2002/0127995) as applied to claims 28, 31 above, and further in view of Fletcher et al (H1897).

Consider claim 30, 33. D'Amico in view of Riggins and Faccinn does not teach transmitting at least one call statistic to a network management system.

Fletcher teaches transmitting at least one call statistic to a network management system (col. 2, ln. 11-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fletcher into the teachings of D'Amico in view of Riggins and Faccinn in order to provide operations and maintenance functions, both radio and switch related, using one system. This reduces overall system costs and increases.

7. Claims 38-42, 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Innes (6,687,743) or Hesselink et al (6,499,054) or Eastman (6,907,032).

Consider claims 15-26, 38-42. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is nor authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Innes teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (caller id from the server; column(s) 2, line(s) 5-16, line(s) 60 through column(s) 3, line(s) 4; column(s) 9, line(s) 36-56, see also claims 4, 14 and 20); and transmitting the call request message to a client equipment, the client equipment being configured to complete the call (return call) if the header is detected and inherently not complete the call if the header is not detected for the purpose of establishing a server initiated high level protocol communications session between a server and a client on a mobile computing device.

Hesselink teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (see figure(s). 2, source ID; column(s) 5, line(s) 4-46).

Eastman teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (originating_server_ID; column(s) 10, line(s) 8 through column(s) 13, line(s) 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Innes or Hesselink or Eastman into the teachings of D'Amico in view of Riggins for the purpose mentioned above.

Consider claims 66-68. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is nor authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Innes teaches adding a header to the call request message, the header including a server id to identify a server sending the call request message (caller id from the server; column(s) 2, line(s) 5-16, line(s) 60 through column(s) 3, line(s) 4; column(s) 9, line(s) 36-56, see also claims 4, 14 and 20); and transmitting the call request message to a client equipment, the client equipment being configured to complete the call (return call) if the header is detected and

inherently not complete the call if the header is not detected for the purpose of establishing a server initiated high level protocol communications session between a server and a client on a mobile computing device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Innes into the teachings of D'Amico for the purpose mentioned above.

8. Claims 43-44, 47-60, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Jordan (US 2001/0050984A1) and Hluchyj et al (6,282,193).

Consider claims 43, 50-60, 79. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is nor authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). Jordan teaches challenge a device that originated the call by requesting the device to authenticate itself, wherein the device generates an authentication result as a result of authenticating itself (page(s) 3, ¶ 0035 through page(s) 5, ¶ 0052, table 1) for the purpose of preventing clip on fraud using telephone authentication (page(s) 1, ¶ 0002).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Jordan into the teachings of D'Amico for the purpose mentioned above.

D'Amico in view of Jordan does not teach a SIP server.

Hluchyj teaches the use of packet network server that reads on the SIP server (col. 3, ln. 58 to col. 4, ln. 67; col. 6, ln. 50-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hluchyj into the teachings of D'Amico in view of Jordan in order to reduce long distance or toll charge to the subscribers.

Consider claim 44. D'Amico further teaches the server transmits the call request message to the gateway if the client billing tag is obtained, and does not transmit the call request message to the gateway if the client billing tag cannot be obtained (col. 30, ln. 45 to col. 31, ln. 21).

Consider claim 47. D'Amico's col. 28, ln. 1-16 reads on the limitations of this claim.

Consider claims 48-49. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

9. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Jordan (US 2001/0050984A1) and Hluchyj et al (6,282,193) as applied to claim 43 above, and further in view of Faccinn et al (US2002/0127995).

Consider claim 45. D'Amico in view of Jordan and Hluchyj does not teach inserting the client billing tag into the call request message; and transmitting the call request message to the gateway.

Faccinn teaches inserting the client billing tag into the call request message; and transmitting the call request message to the gateway (the use of call ID for charging coordination; paragraph(s) 0023-0026, 0064, 0096, and 0097).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Faccinn into the teachings of D'Amico in view of Riggins and Hluchyj for the purpose of billing IP based telephone call.

Consider claim 46. D'Amico's col. 28, ln. 48-60 reads on the limitations of this claim.

Response to Arguments

10. Applicant's arguments filed 10/4/05 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding claims are never species and the Office Action's apparent designation of these claims as species is improper.	The examiner agrees that claims are definitions of inventions. Claims are never species. However, the scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a specific species claim). Therefore, claims 18-26 and 52-60 are species claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 571-272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duc Nguyen
Primary Examiner
Art Unit 2643

01/22/06